IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7039 of 2005

Between:

1 B.Venkatadri, S/o.Ankanna,
The above petitioner is residing and working at piller Depot, APSRTC, Chittoor District).
2 S.Nagaraja, S/o.Ramaiaha,
The above petitioners residing and working at piller Depot, APSRTC, Chittoor District).

..... PETITIONERS

AND

The Regional Manager, APSRTC, Chittoor Region, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the respondent herein to grant special grade increment to the petitioners after completion of 12 years of service from the date of initial appointment without insisting the service in same division with all consequential benefits including refixation and arrears of pay.

Counsel for the Petitioners: MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court at the stage of admission made the following :

ORAL ORDER:

This writ petition is filed seeking a direction to the respondent to grant special grade increments to the petitioners after completion of 12 years of service from the date of initial appointment without insisting the service in the same division, and with all consequential benefits including re-fixation and arrears of pay.

When the matter is listed today, the learned counsel appearing for the petitioners has candidly submitted that the issue involved in this writ petition is squarely covered by a decision of this Court in W.P.No.5726 of 2000, dated 23.8.2000 wherein the learned single Judge held that all the employees working in the respondent-corporation are entitled to the stagnation increment/grade, provided they have completed 12 years of service in the same category, and such completion of 12 years of service in the same category may not be necessarily in the same division. What is required to be taken into consideration is the total length of service of the employees concerned in that particular category, since there is no dispute that the petitioners are Drivers in the respondent-Corporation.

Following the proposition of law laid down by this Court in W.P.No.5726 of 2000, this writ petition is allowed in terms thereof. No costs.

_____

(K.C. BHANU, J.)

1st April, 2005

bcj

To

1 The Regional Manager, APSRTC, Chittoor Region, Chittoor District.

2 Two C.D. copies